

17B-2a-808 Public transit district board of trustees powers and duties -- Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.

- (1) The powers and duties of a board of trustees of a public transit district stated in this section are in addition to the powers and duties stated in Section 17B-1-301.
- (2) The board of trustees of each public transit district shall:
 - (a) appoint and fix the salary of a general manager, a chief executive officer, or both, as provided in Section 17B-2a-811;
 - (b) determine the transit facilities that the district should acquire or construct;
 - (c) supervise and regulate each transit facility that the district owns and operates, including:
 - (i) fixing rates, fares, rentals, and charges and any classifications of rates, fares, rentals, and charges; and
 - (ii) making and enforcing rules, regulations, contracts, practices, and schedules for or in connection with a transit facility that the district owns or controls;
 - (d) control the investment of all funds assigned to the district for investment, including funds:
 - (i) held as part of a district's retirement system; and
 - (ii) invested in accordance with the participating employees' designation or direction pursuant to an employee deferred compensation plan established and operated in compliance with Section 457 of the Internal Revenue Code;
 - (e) invest all funds according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act;
 - (f) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's services from the interest earnings of the investment fund for which the custodian is appointed;
 - (g)
 - (i) cause an annual audit of all district books and accounts to be made by an independent certified public accountant;
 - (ii) as soon as practicable after the close of each fiscal year, submit to the chief administrative officer and legislative body of each county and municipality with territory within the district a financial report showing:
 - (A) the result of district operations during the preceding fiscal year; and
 - (B) the district's financial status on the final day of the fiscal year; and
 - (iii) supply copies of the report under Subsection (2)(g)(ii) to the general public upon request in a quantity that the board considers appropriate;
 - (h) report at least annually to the Transportation Commission created in Section 72-1-301 the district's short-term and long-range public transit plans, including the transit portions of applicable regional transportation plans adopted by a metropolitan planning organization established under 23 U.S.C. Sec. 134;
 - (i) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits that the board of trustees determines to be the most critical to the success of the organization; and
 - (j) hear audit reports for audits conducted in accordance with Subsection (2)(i).
- (3) A board of trustees of a public transit district may:
 - (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that are:
 - (i) not repugnant to the United States Constitution, the Utah Constitution, or the provisions of this part; and
 - (ii) necessary for:
 - (A) the government and management of the affairs of the district;
 - (B) the execution of district powers; and
 - (C) carrying into effect the provisions of this part;

- (b) provide by resolution, under terms and conditions the board considers fit, for the payment of demands against the district without prior specific approval by the board, if the payment is:
 - (i) for a purpose for which the expenditure has been previously approved by the board;
 - (ii) in an amount no greater than the amount authorized; and
 - (iii) approved by the general manager or other officer or deputy as the board prescribes;
 - (c)
 - (i) hold public hearings and subpoena witnesses; and
 - (ii) appoint district officers to conduct a hearing and require the officers to make findings and conclusions and report them to the board; and
 - (d) appoint a custodian for the funds and securities under its control, subject to Subsection (2)(f).
- (4) A member of the board of trustees of a public transit district or a hearing officer designated by the board may administer oaths and affirmations in a district investigation or proceeding.
- (5)
- (a) The vote of the board of trustees on each ordinance shall be by roll call vote with each affirmative and negative vote recorded.
 - (b)
 - (i) Subject to Subsection (5)(b)(ii), the board of trustees may adopt a resolution or order by voice vote.
 - (ii) The vote of the board of trustees on a resolution or order shall be by roll call vote if a member of the board so demands.
 - (c)
 - (i) Except as provided in Subsection (5)(c)(ii), the board of trustees of a public transit district may not adopt an ordinance unless it is:
 - (A) introduced at least a day before the board of trustees adopts it; or
 - (B) mailed by registered mail, postage prepaid, to each member of the board of trustees at least five days before the day upon which the ordinance is presented for adoption.
 - (ii) Subsection (5)(c)(i) does not apply if the ordinance is adopted by a unanimous vote of all board members present at a meeting at which at least 3/4 of all board members are present.
 - (d) Each ordinance adopted by a public transit district's board of trustees shall take effect upon adoption, unless the ordinance provides otherwise.

Amended by Chapter 281, 2010 General Session